

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7614

BILL NUMBER: SB 445

NOTE PREPARED: Apr 20, 2007

BILL AMENDED: Mar 19, 2007

SUBJECT: Notaries.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR: Rep. Niezgodski

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a non-attorney who advertises as a notary public or *notario publico* to include a disclosure stating that the person is not an attorney. It makes it *notorio publico* deception, a Class A misdemeanor, to: (1) advertise as a notary without the required disclosure; (2) advertise as an expert in immigration matters without being a federally designated entity; or (3) accept payment for legal advice. The bill also provides for the revocation of a notary public's commission if the notary public is convicted of *notario publico* deception.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: The bill eliminates a Class A misdemeanor concerning notary public advertising and creates a Class A misdemeanor for *notario publico* deception. There are no data to indicate if more offenders may be convicted of *notario publico* deception than would have been convicted under current law. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into

the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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